THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.20562 OF 1999

14.03.2006

Between:

Eluri Koteswara Rao, S/o.Venkateswarlu

… Petitioner

AND

The District Collector (Panchayat Raj),

Khammam District, Khammam

And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.20562 OF 1999

ORDER:

The petitioner is resident of Chintonichelka village of Tekulapalli Mandal in Khammam District. The small tank/kunta known as Edulacheruvu got breached due to floods in the year 1991-1992. The Government sanctioned funds under Cyclone Emergency Reconstruction Project (CER) with World Bank aid and the work was completed in 1994. As part of the CER, the capacity of the kunta was increased and the bunds were strengthened. The petitioner alleges that the fourth respondent herein, who is a big landlord, demanded money from ayacutdars at the rate of Rs.5,000/- per acre claiming that kunta is a private kunta known as 'Lakshmanarao Kunta'. The petitioner contends that the kunta belongs to Panchayat Raj department, which was repaired and reconstructed it under CER programme and that though the kunta was constructed by Lakshmanarao, the brother of the fourth respondent, the

same was dedicated to public. Be that as it is, the Mandal Revenue Officer (MRO) issued a notice on 25.9.1999 informing that the tank in question is a private tank and that except fourth respondent nobody can draw water from the tank. The petitioner disputes this. He approached the Revenue Divisional Officer (RDO) for redressal, in vain. Therefore, he filed the writ petition seeking a direction to the respondents to disclose the factual position to the ryots or to the office of the District Collector and office of the RDO. The petitioner also questions the action of the MRO in declaring Edullacheruvu as private tank.

The dispute in this case is regarding the nature of ownership of Edullacheruvu. If the Government spent money during 1991-1992 under CER programme and repaired the tank, the fourth respondent for obvious reasons cannot claim it to be a private tank. Furthermore, the petitioner has already approached the RDO and, therefore, it would be in the interest of the villagers to conduct enquiry into the matter. The first respondent herein may conduct enquiry and decide whether Edullacheruvu kunta of Chintonichelka village is a private tank or Government source of irrigation. If it is found to be Government source, needless to mention, the petitioner and other ryots have a right to draw water for irrigation under the provisions of A.P. (Telangana Area) Irrigation Act, 1357 Fasli. The first respondent may complete the enquiry within a period of twelve weeks from the date of receipt of a copy of this order.

The writ petition is, accordingly, disposed of. No costs.

_____

(**V.V.S.RAO,J**)

March 14, 2006.

YS